

LAW OFFICES
 Ritter, Rogers, Wattier & Brown, LLP
Professional & Executive Building
319 South Coteau Street
P.O. Box 280
Pierre, South Dakota 57501-0280
www.riterlaw.com

ROBERT C. RITER, Jr.
DARLA POLLMAN ROGERS
JERRY L. WATTIER
JOHN L. BROWN

MARGO D. NORTHRUP, Associate

September 23, 2005

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SEP 23 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

OF COUNSEL:
Robert D. Hofen
E. D. Mayer
TELEPHONE
605-224-5825
FAX
605-224-7102

Pamela Bonrud, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

Re: In the Matter of the Establishment of Local Exchange Carriers Association's
(LECA) Switched Access Revenue Requirements for 2005

Dear Pam:

Enclosed herein please find original and ten copies of the Answer of LECA to
AT&T's Petition to Intervene.

Sincerely yours,

RITER, ROGERS, WATTIER & BROWN, LLP

By: 

Margo D. Northrup

MDN/rar

Enclosures

cc: Karen Cremer
John S. Lovald
Marlene Bennett
Jerry Reisenauer
Clients

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SEP 23 2005

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE ESTABLISHMENT OF LECs' 2005 SWITCHED ACCESS REVENUE REQUIREMENTS

JOINT ANSWER OF LECs
TO AT&T'S
PETITIONS TO INTERVENE

SWITFTEL COMMUNICATIONS	TC05-087
MIDSTATE COMMUNICATIONS	TC05-090
WESTERN TELEPHONE COMPANY	TC05-091
BERESFORD MUNICIPAL TELEPHONE COMPANY	TC05-092
ROBERTS COUNTY TELEPHONE COOPERATIVE	TC05-093
McCOOK COOPERATIVE TELEPHONE	TC05-094
KENNEBEC TELEPHONE COMPANY	TC05-095
SANTEL COMMUNICATIONS COOPERATIVE	TC05-097
TRI-COUNTY TELCOM, INC.	TC05-098
WEST RIVER TELECOMMUNICATIONS COOPERATIVE	TC05-109

COME NOW the above-named Local Exchange Companies ("LECs"), by their undersigned attorney, and jointly file this Answer to the Petitions of AT&T Communications of the Midwest, Inc. ("AT&T") to Intervene in the above dockets.

1. LECs admit that AT&T is a certificated communications company, subject to the jurisdiction of the South Dakota Public Utilities Commission ("Commission").

2. Between the dates of June 27, 2005, and July 21, 2005, each of the above LECs filed a cost study with the Commission, in accordance with the Commission's current cost study rules.

3. The intervention deadlines in these dockets range from July 15, 2005, to August 5, 2005, and AT&T failed to intervene prior to expiration of said deadlines.

4. Pursuant to appropriate notice, the Commission held a hearing on these dockets for the purpose of assessing initial filing fees on August 2, 2005, and August 18, 2005.

5. AT&T has taken no action in these dockets until filing of the current Petitions to Intervene, dated September 14, 2005.

6. ARSD 20:10:01:15.02 sets forth the test for allowance of late-filed intervention petitions:

A petition to intervene which is not timely filed with the Commission may not be granted by the Commission unless denial of the petition is shown to be detrimental to the public interest or to be likely to result in a miscarriage of justice. (Emphasis added.)

7. AT&T has failed to sustain its burden for this Commission to grant late-filed Petitions to Intervene in these dockets.

8. Because AT&T has not been a party to these proceedings, it has no knowledge of the existence or status of any Staff data requests, or whether supplemental information will be requested from any of the LECs.

9. Because AT&T has not been a party to these proceedings, it would have no way of knowing if anything of substance has occurred in the LECs' dockets, and even if that were the case, which LECs do not concede, that is not a sufficient reason to allow a late-filed intervention.

10. LECs deny that the Commission entered an Order permitting the rates to go into effect subject to refund.

11. In Paragraph 3 of its Petitions, AT&T makes reference to "the Authority as a whole" (emphasis added). LECs have insufficient information to determine

whom AT&T is referring to, but specifically deny that their switched access rates are overstated.

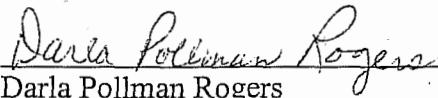
12. The LECs would be prejudiced if AT&T's late-filed Petition in these dockets is granted. To allow a new party to intervene in dockets after the intervention deadline has passed would cause further delays in the proceedings, and subject LECs to the further expense of additional discovery requests from the new party. This is exactly the kind of prejudice that enforcement of an intervention deadline precludes.

13. The Commission's denial of AT&T's late-filed Petitions in these dockets will prevent LECs from prejudice caused by further delays, and such prejudice should not be permitted.

14. The Commission's denial of AT&T's late-filed petitions in these dockets would not result in a miscarriage of justice or detriment to the public interest because AT&T is not left without recourse. There are other more appropriate methods for AT&T to raise the issues addressed in its Petitions.

WHEREFORE, the LECs respectfully request this Commission to deny AT&T's late-filed Petitions to Intervene.

Respectfully submitted this twenty-third day of September, 2005.



Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-7889

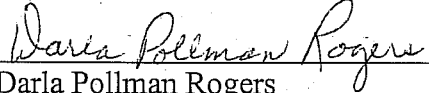
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the JOINT ANSWER OF LECs TO AT&T'S PETITIONS TO INTERVENE was served via the method(s) indicated below, on the twenty-third day of September, 2005, addressed to:

Karen Cremer, Staff Attorney	(X)	First Class Mail
South Dakota Public Utilities Commission	()	Hand Delivery
500 East Capitol Avenue	()	Facsimile
Pierre, South Dakota 57501	()	Overnight Delivery
	()	E-Mail

John S. Lovald	(X)	First Class Mail
William M. Van Camp	()	Hand Delivery
Olinger, Lovald, McCahren and Reimers, P.C	(X)	Facsimile
P. O. Box 66	()	Overnight Delivery
Pierre, South Dakota 57501	()	E-Mail

Dated this twenty-third day of September, 2005.



Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-7889
Fax (605) 224-7102